

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
Ft Worth DIVISION

FILED  
U.S. DISTRICT COURT  
NORTHERN DIST. OF TX.  
FT WORTH DIVISION

2007 JUN 18 PM 3:41

CLERK OF COURT

Walter Zisman  
Plaintiff

v.

Liberty Mutual Insurance  
Defendant

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§  
§  
§  
§  
§

Civil Action No:

**4-07CV-357-Y**

**COMPLAINT**

Attached.

Dated, this 8 day of June, 2007

Signature Walter Zisman

Print Name Walter Zisman

Address 3005 Turner Warneil Rd apt 201  
Arlington, Texas 76001

Telephone 817-563-7181

**US District Court Clerk**

(817) 850-6600

501 W 10th St Ste 310

Fort Worth, Texas 76102

Walter Zisman verses Liberty Mutual Insurance Company

Walter Zisman

3005 Turner Warnell Road apt 201

Alington, Texas 76001

817-563-7181

Walter\_7687@hotmail.com

Mr. Jeffrey Dacy

Liberty Mutual Insurance/Property Team Manager

PO Box 6079

222 Rosewood Drive

Second Floor

Danvers, Massachusetts 01923

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- 1 Walter Zisman is filing a complaint against LIBERTY MUTUAL INSURANCE for Fraud, which was committed by Liberty Mutual Insurance Company during their investigation into a house fire at 5190 Route 9, the Molly Stark Trail, Brattleboro, Vermont 05301, owned by Walter Zisman, and insured by Liberty Mutual Insurance, on 26 September 2001.
- 2 Fraud is defined as deceit or trickery used to gain unfair or dishonest advantage.
- 3 The complaint against Liberty Mutual is that the company and its agents falsified a chemical analysis that was performed on material taken from a fire zone at 5190 Route 9, the Molly Stark Trail, Brattleboro, [Marlboro], Vermont.
- 4 The fire occurred on 26 September 2001 in a second floor bedroom and destroyed most of the second floor, causing the insurance company, Liberty Mutual Insurance Company to investigate a Homeowner's Policy issued to Walter Zisman, owner and sole occupant of said residence.
- 5 Liberty Mutual Insurance and its agents hired Dr. Robert Sacher of Ressel Scientific Labs to perform the chemical analysis. Dr. Robert Sacher is a convicted felon for falsifying chemical analysis and was sentenced in the US District Court in Boston, Massachusetts. [Exhibits 7 and 8]
- 6 Liberty Mutual Insurance and its agents also hired Tim Austin of N.E.F.C.O., a former Vermont State Trooper and a possible mentor to Vermont State Police Detective Sergeant Kraig LaPorte, who was investigating the fire on behalf of the State of Vermont.

- 7 According to an affidavit filed by Vermont State Police Detective Sergeant Kraig LaPorte, he performed tests for hydro-carbons in the fire zone and found none [zero] and according to Jose Vose at the Vermont Forensic Laboratory, Waterbury, Vermont [on page 2 paragraph 4 Detective Sergeant Kraig LaPorte affidavit] and I quote: "On 11/08/01, James Vose, Chemist for Vermont Forensic Laboratory, Waterbury, Vermont reviewed Dr. Robert Sacher's data relating to these specific samples. Vose advised that the data provided by Dr. Sacher did not contain evidence of gasoline." [Exhibit 6]
- 8 On 4 November 2001, I was arrested and charged with Arson and Arson to defraud an insurance company, Court date 5 December 2001, at which time Liberty Mutual sent me a letter denying my claim and sighting my arrest and the claims of an accelerant in the fire zones as reasons for denial.
- 9 The charges were dismissed on 4 February 2002, when the State of Vermont dismissed the charges without prejudice and has refused to re-file said charges.
- 10 As a result of Liberty Mutual's contempt for me, Walter Zisman, I was faced with the possibility of 10 years in prison and following the dismissal of charges extremely traumatized and under the advice of counsel, I left Vermont for Texas, while legal action was being taken to collect monies due me by attorney David Reid of Brattleboro, Vermont.
- 11 Although letters informing Liberty Mutual were sent in September 2002, Liberty Mutual chose to delay its response until December 2002 to in volt a one year clause to commence legal actions. [Exhibits 10 and 11]
- 12 Liberty Mutual continues to present false information was regards to the cause of the fire and my involvement, claiming that [Exhibit 2a from Liberty Mutual Mr. Jeffrey Dacy, dated 19 August 2004], "We continue to maintain our position that the fire that occurred at Mr. Zisman's residence was intentionally set and incendiary in nature. Samples taken from the property tested positive for presence of accelerant.

The cause and origin report, prepared by Timothy Austin of N.E.F.C.O., states 'the cause of the fire is incendiary in nature and specifically the result of being intentionally set in the second floor hallway and bedrooms with the use of liquid accelerant.' The samples extracted from the scene by Dr. Robert Sacher, of Ressel Scientific Company, tested positive for the presence of gasoline."

13. The purpose of this action is to correct the record;
14. by obtaining all records and documents from Liberty Mutual with regards to their investigation and the chemical analysis; [note: at no time has Liberty Mutual or the State of Vermont provided Walter Zisman or his attorney with a copy of the chemical analysis.]
15. and to show that Liberty Mutual actions are criminal and that their actions have resulted in a violation of the Civil Rights of Walter Zisman as protected by the Fifth, Sixth, and Seventh Amendments or Articles to the Federal Constitution.

16. It should be noted that my deposition given in October 2001, was altered by Liberty Mutual people, since I left the deposition when I was accused of deliberating causing the fire following a return to the meeting from a recess by the lead for Liberty Mutual.
17. In other words, I was answering questions, when I was NOT in the building!
18. The question with regards to the deposition is: "Why was this done?"  
[Documentation is available upon request, as Liberty Mutual took the deposition and provided Walter Zisman with a copy.]
19. In addition to seeking the monies that I was due from the fire plus interest, I am seeking punitive damages for trauma, slander, libel under RICO laws, whereas Liberty Mutual has deliberately falsified information for their benefit and made a bad joke of the Justice System.
20. This action is being filed in Texas, as to Vermont, as to avoid a possible conflict of interest for the US District Court of Vermont, since this action might be expanded to include the State of Vermont, the Vermont State Police, and the State District Attorney in Brattleboro for Civil Rights Violations and false arrest, not to mention the State District Attorney's refusal to provide evidence [most notable is the chemical analysis by Dr. Sacher which would have shown zero accelerant in the fire zone] of wrong doing on the part of the defendant, and a speedy trial as specified in the US Constitution. The arrest occurred on 4 November 2001, and dismissed with prejudiced on 4 February 2002.
21. Liberty Mutual has been given number opportunities to correct this injustice and to correct their records but they have chosen to remain silent.

## EXHIBITS

1. Letter of denial claim dated 5 December 2001. This letter did not contain a copy of the chemical analysis that was performed by Dr. Robert Sacher of Ressel Scientific Company.
2. Letter from Mr. Jeffrey Dacy of Liberty Mutual to Paul Bicica from the Vermont Banking, Insurance, Securities and Health Commission dated 19 August 2004.
3. Court Documentation of charges against Walter Zisman. There are two documents.
4. Letter from Mr. Paul Berch to Walter Zisman pertaining to Walter Zisman's defense.
5. Court Documentation of charges being dismissed without prejudice 4 February 2002.
6. Affidavit of Detective Sergeant Kraig La Porte, Vermont State Police. This documents shows contrary to Mr. Dacy's letter to Mr. Paul Bicica at the Vermont Banking, Insurance, Securities and Health Commission dated 19 August 2004, that the Vermont State Police did do chemical analysis in the fire zone and the Vermont Forensic chemist Jose Vose disputes Dr. Robert Sacher's claim in his chemical analysis.
7. Court documentation against Dr. Robert Sacher in US District Court in Boston, Massachusetts.
8. Dr. Robert Sacher's guilty plea, including a letter from my attorney Mr. David Reid to Eric Johnson in Burlington, Vermont dated 30 September 2002.
9. A letter from my Attorney Mr. Reid to Peter Richardson dated 21 May 2002.
10. Letters from Mr. Reid to Liberty Mutual Attorney Eric Johnson in Burlington, Vermont dated 5 September 2002, 9 September 2002, and 20 September 2002.
11. Letter denying my claim from Liberty Mutual Attorney Eric Johnson in Burlington, Vermont dated 12 December 2002.